
SUBSTITUTE SENATE BILL 6701

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Rasmussen, Kastama, Jacobsen, Franklin, Kohl-Welles and Benton; by request of Governor Gregoire and Commissioner of Public Lands)

READ FIRST TIME 01/31/06.

1 AN ACT Relating to restrictions on condemnation and sale of
2 condemned property by state and local governments; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Members of the public have expressed
6 concern regarding a recent United States supreme court decision, *Kelo*
7 *v. New London* (No. 04-108 (June 23, 2005)), which upheld, under the
8 United States Constitution, a Connecticut city's exercise of eminent
9 domain. It is the intent of the legislature to recognize, reaffirm,
10 and support existing Washington case law under Article I, section 16 of
11 the state Constitution, that prohibits the condemnation of private
12 property other than for certain public purposes pursuant to law.

13 (2) In light of the United States supreme court decision in *Kelo v.*
14 *New London*, the legislature intends to reaffirm existing Washington
15 state law relating to the use of eminent domain by state and local
16 governments, and to reaffirm the prohibition in Article I, section 16
17 of the state Constitution on the use of eminent domain to take private
18 property for private use. To this end, the legislature recognizes,
19 reaffirms, and supports the restrictions on the use of eminent domain

1 to take private property for private use, as set forth in chapters
2 8.04, 8.08, 8.12, 8.16, and 8.20 RCW and in the Washington state
3 supreme court's decisions of *Hogue v. Seattle*, 54 Wn.2d 799, 341 P.2d
4 171 (1959); *Miller v. Tacoma*, 61 Wn.2d 374, 378 P.2d 464 (1963); *In re*
5 *Petition of Seattle*, 96 Wn.2d 616, 638 P.2d 549 (1981); and *State ex*
6 *rel. Washington State Convention & Trade Center v. Evans*, 136 Wn.2d
7 811, 966 P.2d 1252 (1998).

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